

Exhibit C

Compilation of Codes, Rules and Regulations of the State of New York Currentness

Title 9. Executive Department

Subtitle AA. State Commission of Correction

Chapter I. Minimum Standards and Regulations for Management of County Jails and Penitentiaries

Subchapter A. Minimum Standards and Regulations

Part 7063. Chemical Agents (Refs & Annos)

9 NYCRR 7063.4

Section 7063.4. Use of chemical agents

- (a) Chemical agents shall not be used as a means of punishment.
- (b) The use of any chemical agent shall be supervised by a supervisory staff member who has been trained in the use of chemical agents, except in emergency cases when a delay in the use of such agents presents an immediate threat of death or serious injury or severely threatens the safety or security of the facility.
- (c) Prior to the use of chemical agents, the person authorizing such use shall notify facility health services staff, except in emergency cases when a delay in the use of such agents presents an immediate threat of death or serious injury or severely threatens the safety or security of the facility.
- (d) Prior to the use of chemical agents, facility health services staff who are trained in the medical consequences of the use of such agents shall make reasonable efforts to inform the authorizing officer whether such administration may aggravate any existing injuries, illnesses or other physical conditions of any person who may be exposed.
- (e) Prior to the use of chemical agents, facility staff shall consider:
 - (1) the safety hazards such agents can produce when used under certain conditions for certain periods of time in enclosed areas;
 - (2) the safety hazards presented by the use of burning-type grenades and projectiles in the vicinity of combustible materials; and
 - (3) the distinctive characteristics of each type of agent and how these characteristics will affect the situation for which they are being considered for use.
- (f) Information pertaining to the requirements of this section shall be included in the training program required pursuant to section 7063.5 of this Part.
- (g) No chemical agent shall be used on any person if a determination has been made pursuant to subdivision (d) of this section that the use of such agent may aggravate any existing injuries, illnesses or other physical conditions of any recipient, unless such use is reasonable to prevent death, serious injury or a serious threat to the safety or security of the facility.
- (h) Whenever possible, prior to the use of any chemical agent, all reasonable efforts shall be made to evacuate all persons for whom the administration of such agent is not intended.
- (i) Whenever possible, prior to the use of any chemical agent, such use shall be announced to the inmates for whom the administration of such agent is intended.

(j) In all cases of exposure to any chemical agent, facility health services staff shall examine and treat all persons exposed to such chemical agent as soon as possible. Treatment for exposure shall begin with those persons most seriously affected.

(k) All facility health services staff shall be properly trained in the treatment of persons exposed to chemical agents.

(l) Appropriate decontamination of persons and area cleanup procedures shall be completed as soon as possible after the use of any chemical agent.

(m) No chemical agent munitions or devices shall be used after they have passed the predetermined expiration date established by the manufacturer.

Credits

Sec. filed Dec. 29, 1977; repealed, new filed Jan. 19, 1988 eff. Feb. 3, 1988.

Current with amendments included in the New York State Register, XXXVIII, Issue 36 dated September, 2016.

9 NYCRR 7063.4, 9 NY ADC 7063.4

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.